

CRIMINAL COMPLAINT
(Submitted electronically)

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| United States District Court | | DISTRICT of ARIZONA |
| United States of America | | DOCKET NO. |
| v. | | MAGISTRATE'S CASE NO. |
| Nancy HERNANDEZ DOB: 1984; United States Citizen | | |
| Complaint for violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(C) | | |

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about January 28, 2023, at or near Nogales, in the District of Arizona, **Nancy HERNANDEZ** did knowingly and intentionally possess with intent to distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On January 28, 2023, **Nancy HERNANDEZ** entered the United States from Mexico at the DeConcini Port of Entry in Nogales, Arizona. **HERNANDEZ** was the driver, sole occupant, and registered owner of a 2009 Dodge Journey bearing an Arizona license plate. **HERNANDEZ** told the primary Customs and Border Protection Officer (CBPO) she was taking her two French Bulldog puppies to the veterinarian because one of the puppies was having stomach problems. **HERNANDEZ** said she was told by a veterinarian in Mexico that the dog needed an IV. The CBPO stated **HERNANDEZ** did not seem nervous but was laughing about her dog being sick.

In post-primary, a CBP canine, trained to detect the odor of narcotics, alerted to the presence of a trained odor emanating from the rear right wheel well of the Journey. When **HERNANDEZ** saw the canine alert to the vehicle, she rolled down her rear window and told the CBPO that the canine was probably smelling her dogs. **HERNANDEZ** was referred to secondary for further inspection. In secondary, a CBPO obtained a negative declaration from **HERNANDEZ**. **HERNANDEZ** then gave a different reason for traveling into the United States than the reason she gave the primary CBPO. **HERNANDEZ** said she was going to Tucson for an eye doctor's appointment and to get her two dogs microchipped. **HERNANDEZ** stated she had \$1,000 with her for the doctor's appointment and the microchips for her dogs. CBPOs x-rayed the vehicle but the vehicle images were inconclusive for anomalies. CBPOs removed the dogs that were in a crate on the left side of the vehicle's cargo area. The canine officer deployed her canine again and the canine alerted to the trained odor of narcotics in the same area of the vehicle, the right rear wheel well. CBPOs further inspected the Journey and noticed tampering on the undercarriage of the vehicle's wheel well, including sprayed mud on the bolts and springs. CBPOs searched the vehicle and discovered a non-factory compartment underneath the cargo area with an access plate on the wheel well. CBPOs had to remove the right rear tire and cut through the access plate to reach the non-factory compartment. CBPOs discovered nine (9) packages of suspected narcotics concealed inside the compartment. A representative sample of the contents of the packages was field tested and yielded positive results for the characteristics of cocaine. The cocaine weighed 9.78 kilograms. CBPOs noted that **HERNANDEZ** lives in Mexico. CBPOs also found two bags containing rocks and trash in the rear cargo area of the Dodge Journey that may have been used to manipulate the Z-Portal x-ray image.

MATERIAL WITNESSES IN RELATION TO THE CHARGE:

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| DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge. | SIGNATURE OF COMPLAINANT (official title) LUISA M PINTO Digitally signed by LUISA M PINTO Date: 2023.01.30 11:55:41 -07'00' |
| | OFFICIAL TITLE SA Luisa Pinto Homeland Security Investigations |

Sworn to telephonically.

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| SIGNATURE OF MAGISTRATE JUDGE ¹⁾  | DATE January 30, 2023 |
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¹⁾ See Federal rules of Criminal Procedure Rules 3, 4.1 and 54